REMARKS

Initially, Applicants note that the remarks and amendments made by this paper are consistent with the proposals presented to the Examiner during the telephone call of May 25, 2007.

By this response, claims 1-2 and 4-32 have been amended[1], claim 3 has been canceled, and no claims have been added such that claims 1-32 remain pending of which claims 1, 13, and 23 are the only independent claims at issue.

The Non Final Office Action, mailed April 10, 2007, considered claims 1-32. Claims 1-10, 13-17, 19-21 and 23-32 were rejected under 35 U.S.C. § 101 because the claimed invention is purportedly directed to non-statutory subject matter. Claims 1-32 were further rejected under 35 U.S.C. § 102(b) as being anticipated by Alam et al. (US 6,324,544 B1), hereinafter Alam.[2]

Initially, the rejections under 35 U.S.C. §101 are now moot in view of the amendments made by this paper. In particular, the previously cited independent claims have been amended to highlight the tangible results that they provide. Specifically, independent claim 1 has been amended to tie the described framework to a computing system, thereby putting the claimed framework into the machine category. This response amends claim 13, adding a limitation previously found in dependent claim 22 which the examiner found to be allowable under 35 U.S.C. §101. Furthermore, independent claim 23 has been amended to incorporate the limitations of claim 13.

Independent claim 23 was further rejected under 35 U.S.C. § 101 for purportedly being directed to non-statutory subject matter. This rejection was based on the fact that the specification does not limit the term "computer-readable medium" to storage media, per se, and such that the "computer-readable media" could be broadly interpreted to include subject matter such as carrier signals.

Although Applicants submit that the wireless/carrier signals should be interpreted as tangible and physical media inasmuch as they have physical properties that enable them to be

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[1] Support for the amendments is found throughout the Specification including, but not limited to, the disclosure of pg. 11 (as originally filed).

[2] Although the prior art status of the cited art is not being challenged at this time, Applicant reserves the right to challenge the prior art status of the cited art at any appropriate time, should it arise. Accordingly, any arguments and amendments made herein should not be construed as acquiescing to any prior art status of the cited art.

read and transmitted, Applicants have nonetheless amended the claims to restrict the claims to embodiments in which the computer-readable media only comprise "storage media" to overcome the rejection and to expedite the allowance of the case.

Applicants claimed invention is generally directed to embodiments for synchronizing data stores or replicas in a sync community. The system of the present invention promotes consistent and manageable synchronization across all back end data stores that synchronize with a particular data store. The embodiment of claim 1, for example, recites a system for synchronizing one or more replicas in a sync community. The system includes a computer processor that executes a sync runtime module that provides services to one or more sync adapters. The services provided by the sync runtime module to each of the one or more sync adapters include a change enumeration service that compares a first knowledge of the first replica with a second knowledge of the second replica to enumerate changes, wherein the knowledge of a replica comprises information describing a set of changes that the given replica is aware of. A sync controller instantiates a particular sync adapter such that the particular sync adapter utilizes the services to synchronize a first replica in the sync community with a second replica.

Independent claim 13 is related to independent claim 1 but recites a method rather than the system while independent claim 23 recites a computer program product that implements the method of claim 13.

Now with regard to the substantive rejections of record, it will be noted that the Examiner rejected all of the presently presented claims based on a single reference, Alam. Alam is directed to a first and second computing device that each contain an object store, storing store objects indicative of file data. Synchronization components are provided to synchronize the objects while efficiently overcoming problems associated with synchronizing files between object stores.

Applicants' respectfully submit that Alam fails to teach or suggest all of the limitations present in claim 1. For example, Alam fails to address the limitation of the services provided by the sync runtime module to each of the one or more sync adapters include a change enumeration service that compares a first knowledge of the first replica with a second knowledge of the second replica to enumerate changes, wherein the knowledge of a replica comprises information

describing a set of changes that the given replica is aware of, and as recited, for example, in combination with the other recited claim elements.

In the office action, Examiner relies on the disclosure of col. 11, lns. 44-65, as evidence of Alam teaching a related limitation. Applicants' respectfully submit, however, that the cited passage fails to describe "knowledge of a replica" as described in the claims. The Examiner finds the use of reference handles in Alam as being equivalent to "knowledge of a replica", as used in claim 1. Applicants respectfully disagree, however, for at least the reasons provided below.

'Knowledge of a replica' has a specific meaning beyond the typical definition of knowledge. The 'knowledge of a replica' is clearly defined within the specification and the claims themselves to be information describing a set of changes that the given replica is aware of. When a replica desires to synchronize with another replica, it sends out its own knowledge to that replica. The other replica can then enumerate the changes that are not covered by the received knowledge. These enumerated changes are then sent back to the replica desiring to synchronize, thereby updating the replica with the most recent changes available. The replicas do not need to maintain information about how many changes or what data they have sent to other replicas, only the information regarding the changes that it is aware of or knows. This enables the synchronization process to be resilient to synch loops, restorations from backup, and offline propagation changes.

The embodiment of Alam, on the other hand, does not maintain "knowledge of a replica" as defined in the claims. In Alam, the identified handles contain data that uniquely identifies an object. The handles do not contain information that describes a set of changes that a replica is aware of. The information stored in Alam is not capable of describing any changes to the data on its own. It is only capable of identifying whether data is changed after it is compared to another set of handles, and then it is only able to identify which versions are the most recent. This is quite different and distinguished from the claimed embodiments, however. In particular, the embodiment of claim 1 clearly includes a description of changes without requiring the comparison to another source to determine what objects have changed.

In view of the foregoing, Applicant respectfully submits that all of the independent and dependent claims are distinguished from Alam.

In the event that the Examiner finds remaining impediment to a prompt allowance of this application that may be clarified through a telephone interview, the Examiner is requested to contact the undersigned attorney at 801-533-9800.

Dated this 10th day of July, 2007.

Respectfully submitted,

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